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**U.S. District Court**

**Southern District of New York**

### **Notice of Electronic Filing**

The following transaction was entered on 2/7/2014 at 12:13 PM EST and filed on 2/7/2014

**Case Name:** USA v. Cole et al

**Case Number:** [1:12-cr-00802-KBF](#)

**Filer:**

**Document Number:** No document attached

### **Docket Text:**

**Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files (ONLY) as to Trevor Cole re: [107] Appeal Transcript Request, [106] Notice of Appeal - Final Judgment were transmitted to the U.S. Court of Appeals. (tp)**

**1:12-cr-00802-KBF-1 Notice has been electronically mailed to:**

David Touger dtouger@aol.com

Ira D London (Terminated) iradlondon@aol.com, L.Newcomb@londonrobin.com,  
avrom@mindspring.com

Jeffrey G. Pittell jp@jpittell.com

Benjamin Heinrich bhesq936@aol.com

Lawrence Gerschwer lgerschwer@mofo.com, docketny@mofo.com

Parvin Daphne Moyne parvin.moyne@usdoj.gov, USANYS.ECF@USDOJ.GOV

Timothy Donald Sini Timothy.Sini@usdoj.gov, usanys.ecf@usdoj.gov

Kiersten Ann Fletcher kfletcher@mofo.com, docketny@mofo.com

**1:12-cr-00802-KBF-1 Notice has been delivered by other means to:**

**U.S. District Court  
Southern District of New York (Foley Square)  
CRIMINAL DOCKET FOR CASE #: 1:12-cr-00802-KBF All Defendants**

Case title: USA v. Cole et al

Magistrate judge case number: 1:13-mj-02005-UA

Date Filed: 10/23/2012

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Assigned to: Judge Katherine B.  
Forrest

**Defendant (1)**

**Trevor Cole**

*TERMINATED: 02/03/2014*

*also known as*

Sealed Defendant 1

*TERMINATED: 02/03/2014*

represented by **David Touger**  
Peluso & Touger  
70 Lafayette Street  
New York, NY 10013  
212-608-1234  
Fax: 212-513-1989  
Email: [dtouger@aol.com](mailto:dtouger@aol.com)  
**ATTORNEY TO BE NOTICED**  
*Designation: CJA Appointment*

**Pending Counts**

18:1951.F INTERFERENCE WITH  
COMMERCE BY THREAT OR  
VIOLENCE (ROBBERY  
CONSPIRACY

(1)

18:1951.F INTERFERENCE WITH  
COMMERCE BY THREAT OR  
VIOLENCE (ROBBERY )

(2)

18:1201.F KIDNAPPING  
CONSPIRACY

(3)

18:1201.F KIDNAPPING

(4)

18:924C.F VIOLENT  
CRIME/DRUGS/MACHINE GUN  
(USE AND BRANDISHING  
FIREARM DURING CRIME OF  
VIOLENCE)

(5)

**Disposition**

Imprisonment: Life, to be followed by a  
consecutive term of seven (7) years. Supervised  
Release: Five (5) years. Fine: \$10,000.00.

Imprisonment: Life, to be followed by a  
consecutive term of seven (7) years. Supervised  
Release: Five (5) years. Fine: \$10,000.00.

Imprisonment: Life, to be followed by a  
consecutive term of seven (7) years. Supervised  
Release: Five (5) years. Fine: \$10,000.00.

Imprisonment: Life, to be followed by a  
consecutive term of seven (7) years. Supervised  
Release: Five (5) years. Fine: \$10,000.00.

Imprisonment: Life, to be followed by a  
consecutive term of seven (7) years. Supervised  
Release: Five (5) years. Fine: \$10,000.00.

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None



**Defendant (3)**

**Jeremy Acevedo**

*TERMINATED: 05/02/2013*

*also known as*

Sealed Defendant 3

*TERMINATED: 05/02/2013*

represented by **Kiersten Ann Fletcher**  
Morrison &Foerster LLP (NYC)  
1290 Avenue of the Americas  
New York, NY 10104  
(212) 468-7900  
Fax: (212) 468-7900  
Email: [kfletcher@mofo.com](mailto:kfletcher@mofo.com)  
**ATTORNEY TO BE NOTICED**  
*Designation: CJA Appointment*

**Lawrence Gerschwer**  
Morrison &Foerster LLP (NYC)  
1290 Avenue of the Americas  
New York, NY 10104  
(212) 468-8000 x8044  
Fax: (212) 468-7900  
Email: [lgerschwer@mofo.com](mailto:lgerschwer@mofo.com)  
**ATTORNEY TO BE NOTICED**  
*Designation: CJA Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

18:1951.F INTERFERENCE WITH  
COMMERCE BY THREAT OR  
VIOLENCE (ROBBERY CONSPIRACY  
(1)

18:1951.F INTERFERENCE WITH  
COMMERCE BY THREAT OR  
VIOLENCE (ROBBERY )  
(2)

18:1201.F KIDNAPPING CONSPIRACY  
(3)

18:1201.F KIDNAPPING  
(4)

18:924C.F VIOLENT  
CRIME/DRUGS/MACHINE GUN (USE  
AND BRANDISHING FIREARM  
DURING CRIME OF VIOLENCE)  
(5)

**Disposition**

Nolle Prosequi

Nolle Prosequi

Nolle Prosequi

Nolle Prosequi

Nolle Prosequi

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

**Disposition**

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Assigned to: Judge Katherine B.  
Forrest

**Defendant (4)**

**David Delva**  
*also known as*  
Sealed Defendant 1

represented by **Ira D London**  
Law Office of Ira D. London (NYC)  
99 Park Avenue , Suite 1600  
New York, NY 10016  
(212) 683-8000  
Fax: (212) 683-9422  
Email: [iradlondon@aol.com](mailto:iradlondon@aol.com)  
*TERMINATED: 02/03/2014*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Jeffrey G. Pittell**  
Attorney At Law  
299 East Shore Road  
Great Neck, NY 11023  
516 829-2299  
Fax: 516 977 3003  
Email: [jp@jpittell.com](mailto:jp@jpittell.com)  
*ATTORNEY TO BE NOTICED*

**Pending Counts**

18:1951.F INTERFERENCE WITH  
COMMERCE BY THREAT OR  
VIOLENCE (ROBBERY AND  
ROBBERY CONSPIRACY)  
(1-2)

18:1201.F KIDNAPPING AND  
KIDNAPPING CONSPIRACY  
(3-4)

18:924C.F USE AND  
BRANDISHING FIREARM  
DURING CRIME OF VIOLENCE  
(5)

21:846=ND.F CONSPIRACY TO  
DISTRIBUTE NARCOTICS  
(6)

18:924C.F USE AND  
BRANDISHING FIREARM  
DURING CRIME OF VIOLENCE  
(7)

**Disposition**

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

18:1951.F:INTERFERENCE WITH  
COMMERCE BY THREAT OR  
VIOLENCE;;  
18:1201.F:KIDNAPPING;;

**Disposition**

18:924C.F:POSSESSION &USE OF  
FIREARMS IN FURTHERANCE OF  
A DRUG TRAFFICKING CRIME.

**Plaintiff**

**USA**

represented by **Parvin Daphne Moyne**  
U.S. Attorney's Office, SDNY (St Andw's)  
One St. Andrew's Plaza  
New York, NY 10007  
(212)–637–2510  
Fax: 212)–637–2527  
Email: [parvin.moyne@usdoj.gov](mailto:parvin.moyne@usdoj.gov)  
**ATTORNEY TO BE NOTICED**

**Timothy Donald Sini**  
United States Attorney Office, SDNY  
One Saint Andrew's Plaza  
New York, NY 10007  
(212) 637–2358  
Fax: (212) 635–2527  
Email: [Timothy.Sini@usdoj.gov](mailto:Timothy.Sini@usdoj.gov)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/23/2012	<u>2</u>	SEALED INDICTMENT as to Sealed Defendant 1 (1) count(s) 1, 2, 3, 4, 5, Sealed Defendant 2 (2) count(s) 1, 2, 3, 4, 5, Sealed Defendant 3 (3) count(s) 1, 2, 3, 4, 5. (jm) (Entered: 11/08/2012)
10/24/2012	1	SEALED DOCUMENT placed in vault. (nm) (Entered: 10/26/2012)
10/31/2012	3	Order to Unseal Indictment as to Sealed Defendant 1, Sealed Defendant 2, Sealed Defendant 3. (Signed by Magistrate Judge Paul E. Davison on 10/31/12)(jm) (Entered: 11/08/2012)
10/31/2012		INDICTMENT UNSEALED as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo. (jm) (Entered: 11/08/2012)
10/31/2012		Case Designated ECF as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo. (jm) (Entered: 11/08/2012)
11/02/2012	8	NOTICE OF ATTORNEY APPEARANCE: Benjamin Heinrich appearing for (12–Cr–802–02) Dominique Jean Philippe. (bw) (Entered: 11/14/2012)
11/02/2012		Minute Entry for proceedings held before Magistrate Judge Paul E. Davison, at White Plains: Initial Appearance as to Dominique Jean Philippe (2) held on 11/2/2012. (bw) (Entered: 12/06/2012)
11/02/2012		Minute Entry for proceedings held before Magistrate Judge Paul E. Davison, at White Plains: Arraignment as to Dominique Jean Philippe (2) Count 1,2,3,4,5 held on 11/2/2012 at 1:30 pm. The defendant present with attorney Benjamin Heinrich retained. AUSA Michael Gerber. Court Reporter: Courtflow. The defendant was arraigned on the Indictment, waives public reading, and enters a not guilty plea. Time is excluded until 11/5/2012. Any further exclusion should be made to the District Judge assigned. The defendant is remanded. ( Plea entered by Dominique Jean Philippe (2) Count 1,2,3,4,5 — Not Guilty. ) [*** NOTE: This Criminal Memorandum To Docket Clerk was submitted by Frank Cangelosi, Deputy Court Clerk. ***] (bw) (Entered: 12/06/2012)
11/02/2012		ORAL ORDER as to Dominique Jean Philippe (2). Time excluded from 11/2/2012 until 11/5/2012. (By Magistrate Judge Paul E. Davison on 11/2/2012). (bw) (Entered: 12/06/2012)
11/09/2012		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck:Initial Appearance as to Jeremy Acevedo held on 11/9/2012. Defendant present with CJA

		attorney Lawrence Gerschwer. AUSA Parvin Maye present for the Government. Rule 9 proceeding held. Defendant is arraigned and enters a plea of not guilty. Conference before D.J. TBA. Defendant is detained on consent without prejudice. (dnd) (Entered: 11/09/2012)
11/09/2012		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck:Arraignment as to Jeremy Acevedo (3) Counts 1,2,3,4,5. Defendant present with CJA attorney Lawrence Gerschwer. AUSA Parvin Maye present for the Government. Defendant is arraigned and enters a plea of not guilty to Counts 1,2,3,4,5 of the filed Indictment. (dnd) (Entered: 11/09/2012)
11/09/2012	7	CJA 23 Financial Affidavit by Jeremy Acevedo. CJA attorney Lawrence Gerschwer appointed. (Signed by Judge Magistrate Judge Andrew J. Peck) (dnd) (Entered: 11/09/2012)
11/09/2012		Attorney update in case as to Jeremy Acevedo. Attorney Lawrence Gerschwer for Jeremy Acevedo added. (dnd) (Entered: 11/09/2012)
11/09/2012	11	CJA 20 as to Jeremy Acevedo: Appointment of Attorney Lawrence Gerschwer for Jeremy Acevedo. (Signed by Magistrate Judge Andrew J. Peck on 11/28/12)The CJA clerk has mailed the original and sent a copy to the file. (kwi) (Entered: 12/04/2012)
11/14/2012		Case as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo ASSIGNED to Judge Judge Kimba M. Wood. Judge Judge Unassigned no longer assigned to the case. (jm) (Entered: 11/14/2012)
11/16/2012	2	ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo. It is hereby ORDERED that the initial pre-trial conference in this case is scheduled for November 28, 2012. Further, the court excludes the time from today through the date of the initial pre-trial conference in the interests of justice, because it will permit the Government to provide copies of the discovery materials to the defendants. Accordingly, it is ORDERED that the time between today, and November 28, 2012 is hereby excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h), in the interests of justice. (Signed by Judge Kimba M. Wood on 11/15/2012)(dnd) (Entered: 11/16/2012)
11/16/2012	<u>10</u>	ENDORSED LETTER: As to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo addressed to Judge Kimba M. Wood. from Parvin Moyne dated 11/13/2012 re: The Government writes to respectfully request that the Court schedule an initial pre-trial conference. The Government also writes to respectfully request that the Court exclude the time under the Speedy Trial Act until the date of the conference, because the ends of justice served by excluding time under the Speedy Trial Act. ENDORSEMENT: A conference will be held on Wednesday, November 28, 2012, at 11:30 a.m. (Signed by Judge Kimba M. Wood on 11/15/2012)(dnd) (Entered: 11/16/2012)
11/28/2012		Minute Entry for proceedings held before Judge Kimba M. Wood: Arraignment as to Trevor Cole (1) Count 1,2,3,4,5 held on 11/28/2012. (jbo) (Entered: 11/29/2012)
11/28/2012		Minute Entry for proceedings held before Judge Kimba M. Wood: Plea entered by Trevor Cole (1) Count 1,2,3,4,5 Not Guilty. (jbo) (Entered: 11/29/2012)
11/28/2012		Minute Entry for proceedings held before Judge Kimba M. Wood: Pretrial Conference as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo held on 11/28/2012. Defendant Trevor Cole is present with his attorney Amelio Marino. Defendant Dominique Jean-Philippe is present with his attorney Benjamin Heinrich. Defendant Jeremy Acevedo is present with attorney Ronald White (for Lawrence Gerschwer) and Kirsten Fletcher. AUSA Parvin Moyne is present. Court reporter is present. Pretrial conference is held (see transcript). Defendant Cole waives a public reading of the indictment and pleads not guilty. Federal defenders are relieved from representing Cole, as Cole has retained private counsel. The next conference is scheduled for January 16, 2013, at 5:15 p.m. Time is excluded through January 16, 2013. The Court will set a motion schedule at the next conference. Trial is scheduled for March 4, 2013, at 9:30 a.m. (jbo) (Entered: 11/29/2012)



11/28/2012		Minute Entry for proceedings held before Judge Kimba M. Wood: As to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo. Jury Trial set for 3/4/2013 at 09:30 AM, Pretrial Conference set for 1/16/2013 at 05:15 PM before Judge Kimba M. Wood. (jbo) (Entered: 11/29/2012)
12/10/2012		Minute Entry for proceedings held before Magistrate Judge Frank Maas: Bail Hearing as to Jeremy Acevedo held on 12/10/2012. Defendant present. AUSA Parvin Moyne present for the government. Agreed conditions of release to include: \$100K PRB;2 FRP; travel restricted to SDNY/EDNY; surrender travel documents and no new applications; strict pretrial supervision; drug testing / treatment; home detention; electronic monitoring; defendant to reside with sister in Dutchess County. Unless Mount Vernon P.D. picks him up on outstanding warrant within 24 hours, defendant is to be released to the custody of his attorney who is to surrender while in Mount Vernon. Defendant to be released upon satisfaction of following conditions: co-signs, but see above. (dnd) (Entered: 12/10/2012)
12/10/2012	<u>12</u>	PRB Bond Entered as to Jeremy Acevedo in amount of \$ 100,000.00 secured by ;2 FRP; travel restricted to SDNY/EDNY; surrender travel documents and no new applications; strict pretrial supervision; drug testing / treatment; home detention; electronic monitoring; defendant to reside with his mother in Dutchess County. Unless Mount Vernon P.D. picks him up on outstanding warrant within 24 hours, defendant is to be released to the custody of his attorney who is to surrender while in Mount Vernon. Defendant to be released upon satisfaction of following conditions: 2 co-signers, but see above (dnd) Modified on 12/12/2012 (dnd). (Entered: 12/11/2012)
12/11/2012		ADVICE OF PENALTIES AND SANCTIONS as to Jeremy Acevedo. (dnd) (Entered: 12/11/2012)
01/07/2013	<u>13</u>	NOTICE OF CASE REASSIGNMENT as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo, to Judge Katherine B. Forrest. Judge Kimba M. Wood no longer assigned to the case. (pgu) (Entered: 01/07/2013)
01/07/2013	<u>14</u>	NOTICE OF ATTORNEY APPEARANCE: Kiersten Ann Fletcher appearing for Jeremy Acevedo. Appearance Type: CJA Appointment. (Fletcher, Kiersten) (Entered: 01/07/2013)
01/08/2013	<u>15</u>	ORDER as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo ( Pretrial Conference set for 1/18/2013 at 10:00 AM before Judge Katherine B. Forrest.) This matter, having been reassigned to the Honorable Katherine B. Forrest, it is hereby Ordered as follows: The pretrial conference scheduled for 1/16/2013, is hereby adjourned to 1/18/2013, at 10:00 a.m. (Signed by Judge Katherine B. Forrest on 1/8/2013)(jw) (Entered: 01/08/2013)
01/15/2013	<u>16</u>	ENDORSED LETTER as to Trevor Cole addressed to Judge Katherine B. Forrest from Parvin Moyne re: Request for an exclusion of time under the Speedy Trial Act., as to Trevor Cole( Pretrial Conference set for 2/8/2013 at 04:00 PM before Judge Katherine B. Forrest.), ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT as to Trevor Cole. Time excluded from 1/15/2013 until 2/8/2013...ENDORSEMENT...Conference scheduled for 1/18/13 adjourned to 2/8/2013 at 4pm. The Court finds that it is in the interests of justice to exclude time prospectively to 2/8/2013 to allow the Government to prepare additional discovery materials, allow defense counsel to review discovery, for the parties to discuss pretrial motions possibilities. (Signed by Judge Katherine B. Forrest on 1/15/2013)(jw) (Entered: 01/15/2013)
01/25/2013	<u>17</u>	ENDORSED LETTER as to Dominique Jean Philippe addressed to Judge Katherine B. Forrest from Benjamin Heinrich, P.C. dated 1/24/2013 re: Reschedule Conference as to Dominique Jean Philippe( Pretrial Conference set for 2/11/2013 at 02:00 PM before Judge Katherine B. Forrest.)...ENDORSEMENT..Conference adjourned to 2/11/13 at 2pm. SO ORDERED. (Signed by Judge Katherine B. Forrest on 1/25/2013)(jw) (Entered: 01/28/2013)
01/29/2013	<u>18</u>	TRANSCRIPT of Proceedings as to Jeremy Acevedo re: Bail Hearing held on 12/10/12 before Magistrate Judge Frank Maas. Court Reporter/Transcriber: Carole Ludwig, (212) 420-0771, Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release

		of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/22/2013. Redacted Transcript Deadline set for 3/4/2013. Release of Transcript Restriction set for 5/2/2013. (Ortiz, Danny) (Entered: 01/29/2013)
01/29/2013	<u>19</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT as to Jeremy Acevedo. Notice is hereby given that an official transcript of a Bail Hearing proceeding held on 12/10/12 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.... (Ortiz, Danny) (Entered: 01/29/2013)
01/31/2013	<u>20</u>	ORDER as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo ( Status Conference set for 2/11/2013 at 01:30 PM before Judge Katherine B. Forrest.) The status conference in this action, scheduled for 2/11/2013, will be heard on the same day (2/11/2013) At 1:30 p.m. (Signed by Judge Katherine B. Forrest on 1/31/2013)(jw) (Entered: 01/31/2013)
02/11/2013		Minute Entry for proceedings held before Judge Katherine B. Forrest:Status Conference as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo held on 2/11/2013. Defendant Jeremy Acevedo present with atty Kiersten Fletcher. Defendants Dominique Jean Philippe and Trevor Cole present with atty Benjamin Heinrich. AUSA Parvin Moyne present. Court Reporter present. Defendant Jeremy Acevedo pretrial release continued. (jp) (Entered: 02/13/2013)
02/14/2013	<u>21</u>	ORDER as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo. Pursuant to a proceeding with the Court on 2/11/2013, it is hereby ORDERED as follows: –The trial in this matter shall commence on 5/20/2013, at 9:00a.m. –Any motions (relating to post–arrest statements, search warrants, etc.) shall be brought not later than 3/1/2013. Responses shall be due not later than 3/25/2013. Replies, if any, shall be due not later than 4/17/2013. –Motions in limine shall be due not later than 5/3/2013. Responses shall be due 5/10/2013. –All pretrial materials shall be submitted not later than 5/13/2013. –The next status conference is scheduled for 4/10/2013, at 1:00 p.m. –The final pretrial conference is scheduled for 5/14/2013, at 1:00 p.m. –Upon application from the Government, consented to by all defendants, and in the interests of justice as stated on the record, time pursuant to the Speedy Trial Act is hereby excluded between 2/11/2013 and 5/20/2013. SO ORDERED: (Signed by Judge Katherine B. Forrest on 2/14/2013)(bw) (Entered: 02/15/2013)
02/20/2013	<u>22</u>	AMENDED ORDER: As to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo. Pursuant to a proceeding with the Court on 2/11/2013, it is hereby ORDERED as follows: The trial in this matter shall commence on 5/20/2013, at 9:00 a.m. Any motions (relating to post–arrest statements, search warrants, etc.) shall be brought not later than 3/11/2013. Responses shall be due not later than 3/25/2013. Replies, if any, shall be due not later than 4/17/2013. Motions in limine shall be due not later than 5/3/2013. Responses shall be due 5/10/2013. All pretrial materials shall be submitted not later than 5/13/2013. The next status conference is scheduled for 4/10/2013, at 1:00 p.m. The final pretrial conference is scheduled for 5/14/2013, at 1:00 p.m. Upon application from the Government, consented to by all defendants, and in the interests of justice as stated on the record, time pursuant to the Speedy Trial Act is hereby excluded between 2/11/2013 and 5/20/2013. SO ORDERED. (Signed by Judge Katherine B. Forrest on 2/20/2013)(dnd) (Entered: 02/20/2013)
02/20/2013		Set/Reset Deadlines as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo:Motions (relating to post–arrest statements, search warrants, etc.) due by 3/11/2013. Responses due by 3/25/2013. Replies due by 4/17/2013. (dnd) (Entered: 02/20/2013)
02/20/2013		Set/Reset Deadlines as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo: Motions in limine due by 5/3/2013. Responses due by 5/10/2013. (dnd) (Entered: 02/20/2013)

02/20/2013		Set/Reset Hearings as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo: Status Conference set for 4/10/2013 at 1:00 PM, final Pretrial Conference set for 5/14/2013 at 1:00 PM, Jury Trial set for 5/20/2013 at 9:00 AM before Judge Katherine B. Forrest. (dnd) (Entered: 02/20/2013)
02/21/2013	<u>23</u>	TRANSCRIPT of Proceedings as to Trevor Cole re: Conference held on 2/11/13 before Judge Katherine B. Forrest. Court Reporter/Transcriber: Rose Prater, (212) 805-0300, Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/18/2013. Redacted Transcript Deadline set for 3/28/2013. Release of Transcript Restriction set for 5/28/2013. (Rodriguez, Somari) (Entered: 02/21/2013)
02/21/2013	<u>24</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT as to Trevor Cole. Notice is hereby given that an official transcript of a Conference proceeding held on 2/11/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.... (Rodriguez, Somari) (Entered: 02/21/2013)
03/12/2013	<u>25</u>	ENDORSED LETTER as to Trevor Cole, Dominique Jean Philippe addressed to Judge Katherine B. Forrest from AUSA Parvin Moyon dated March 11, 2013 re: The Government respectfully submits this letter concerning the possible conflict of interest presented by the representation of defendant Dominique Jean Philippe by Benjamin Heinrich, Esq. Mr. Heinrich has represented the defendant since his arrest in this case. The potential conflict is generated by Mr. Heinrich's prior representation of another defendant in this case, Trevor Cole. ENDORSEMENT: A Curcio hearing is set for this matter on March 15 at 4:00 p.m. Counsel for defendant shall meet with his client beforehand to advise and prepare him for the hearing. The Court will separately appoint additional, temporary CJA counsel to meet with the defendant. (Signed by Judge Katherine B. Forrest on 3/12/2013)(bw) (Entered: 03/12/2013)
03/14/2013	<u>26</u>	ENDORSED LETTER as to Dominique Jean Philippe addressed to Judge Katherine B. Forrest from Benjamin Heinrich dated 3/13/2013 re: Due to religious observance and the start of a previously scheduled vacation defense counsel writes to request that the pretrial conference scheduled for March 15, 2013 be adjourned to April 10, 2013, the day of the originally scheduled conference or thereafter for all purposes. ENDORSEMENT: Curcio hearing adjourned to 4/10/2013 at 1:00 p.m. (previously scheduled conference.) SO ORDERED. (Signed by Judge Katherine B. Forrest on 3/13/2013)(dnd) (Entered: 03/14/2013)
03/14/2013		Set/Reset Hearings as to Dominique Jean Philippe: Curcio Hearing set for 4/10/2013 at 1:00 PM before Judge Katherine B. Forrest. (dnd) (Entered: 03/14/2013)
04/08/2013	<u>27</u>	ENDORSED LETTER as to Dominique Jean Philippe addressed to Judge Katherine B. Forrest from Steven R. Glaser dated 4/5/2013 re: Reschedule Curcio hearing as to Dominique Jean Philippe( Curcio Hearing set for 4/17/2013 at 03:00 PM before Judge Katherine B. Forrest.)...ENDORSEMENT...Hearing adjourned to 4/17/13 at 3pm. (Signed by Judge Katherine B. Forrest on 4/8/2013)(jw) (Entered: 04/08/2013)
04/17/2013	<u>28</u>	ENDORSED LETTER as to Jeremy Acevedo addressed to Judge Katherine B. Forrest from Parvin Moyne dated 4/16/2013 re: The Government writes to respectfully request that the Court waive the presence of Jeremy Acevedo and his counsel at tomorrow's pretrial conference. The Government is evaluating the charges against Acevedo and believes it will reach a resolution in his case shortly....ENDORSEMENT...Application granted. SO ORDERED. (Signed by Judge Katherine B. Forrest on 4/17/2013)(jw) (Entered: 04/17/2013)
04/17/2013		Minute Entry for proceedings held before Judge Katherine B. Forrest:Curcio Hearing as to Trevor Cole, Dominique Jean Philippe held on 4/17/2013. Defendant Cole present with attorney Amelio Marino. Defendant Philippe present with attorney Benjamin Heinrich. CJA counsel Steven R. Glaser present. Court Reporter

		present. For the reasons stated on the record, the Court finds a knowing and voluntary waiver of a conflict of interest, and will allow Benjamin Heinrich to continue to represent defendant Dominique Jean Philippe. (jp) (Entered: 04/23/2013)
04/23/2013	<u>29</u>	NOTICE OF ATTORNEY APPEARANCE Timothy Donald Sini appearing for USA. (Sini, Timothy) (Entered: 04/23/2013)
05/02/2013	<u>30</u>	NOLLE PROSEQUI ENTERED as to Jeremy Acevedo. Jeremy Acevedo (3) Count 1,2,3,4,5 (Signed by Judge Katherine B. Forrest on 5/3/2013)(jw) (Entered: 05/02/2013)
05/03/2013	<u>31</u>	MOTION in Limine. Document filed by USA as to Trevor Cole, Dominique Jean Philippe. (Moyne, Parvin) (Entered: 05/03/2013)
05/08/2013	<u>32</u>	Letter by USA as to (12-Cr-802-) Trevor Cole (1), Dominique Jean Philippe (2) addressed to Judge Katherine B. Forrest from AUSAs Parvin Moyne/Timothy Sini, dated May 8, 2013 re: The Government submits this letter concerning the possible conflict of interest presented by the representation of defendant Trevor Cole by Amelio Marino, Esq. For the convenience of the Court, the Government is attaching a set of proposed questions to be put to Trevor Cole as part of the Curcio inquiry. (bw) (Entered: 05/08/2013)
05/08/2013	<u>33</u>	ORDER as to (12-Cr-802-) Trevor Cole (1), Dominique Jean Philippe (2). The Court has received the Government's letter, dated May 8, 2013, and ORDERS as follows: 1. A Curcio hearing is set in this matter for Monday, May 13, 2013, at 10:30 a.m. 2. Mr. Marino shall meet with Mr. Cole in advance of such hearing to review the issues involved in this Curcio hearing. 3. The Court will appoint special limited counsel to meet with Mr. Cole prior to the Curcio hearing. SO ORDERED: (Signed by Judge Katherine B. Forrest on 5/8/2013)(bw) (Entered: 05/08/2013)
05/13/2013	<u>34</u>	ENDORSED LETTER as to Trevor Cole, Dominique Jean Philippe addressed to Katherine B. Forrest from Parvin Moyne dated 5/13/2013 re: The Government writes to state that Trevor Cole is refusing to come over from the MDC this Morning (5/13/2013) for the scheduled Curcio Hearing. ENDORSEMENT: Counsel for Mr. Cole should provide the Court with his understanding/explanation regarding the below. The Conference is adjourned to tomorrow, 5/14/2013, at 12:30 p.m. (Signed by Judge Katherine B. Forrest on 5/13/2013)(jp) (Entered: 05/13/2013)
05/13/2013		Set/Reset Hearings as to Trevor Cole, Dominique Jean Philippe: Curcio Hearing set for 5/14/2013 at 12:30 PM before Judge Katherine B. Forrest. (jp) (Entered: 05/13/2013)
05/13/2013	<u>35</u>	Request To Charge by USA as to Trevor Cole, Dominique Jean Philippe. (Moyne, Parvin) (Entered: 05/13/2013)
05/13/2013	<u>36</u>	PROPOSED EXAMINATION OF JURORS by USA as to Trevor Cole, Dominique Jean Philippe. (Moyne, Parvin) (Entered: 05/13/2013)
05/13/2013	<u>37</u>	ORDER as to Trevor Cole; This matter is scheduled for trial on May 20, 2013. A Curcio hearing is scheduled for Tuesday, May 14,2013, at 12:30 p.m. Given the proximity of trial, and the necessity of the defendant's presence at the Curcio hearing, it is hereby ORDERED: The U.S Marshals Service and the Bureau of Prisons are requested to produce the defendant in the above captioned proceeding in Courtroom 15A, 500 Pearl Street on Tuesday, May 14,2013, at 12:30 p.m. In the event that the defendant refuses to leave the MDC, the Marshals Service and Bureau may use such force as is reasonably necessary to bring the defendant to Court for the defendants' scheduled appearance. (Signed by Judge Katherine B. Forrest on 5/13/2013)(jp) (Entered: 05/13/2013)
05/13/2013	<u>38</u>	SECOND MOTION in Limine. Document filed by USA as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo. (Sini, Timothy) (Entered: 05/13/2013)
05/14/2013		Minute Entry for proceedings held before Judge Katherine B. Forrest:Curcio Hearing as to Trevor Cole held on 5/14/2013. Defendant present with attorney Amelio Marino. AUSA Timothy Sini and Parvin Moyne present. CJA counsel Natali Todd present. Court Reporter present. Defendant Cole does not waive any



		potential conflict of interest in this matter. (jp) (Entered: 05/15/2013)
05/15/2013	<u>39</u>	ORDER: As to Trevor Cole, Dominique Jean Philippe. Pursuant to a conference with the Court on May 14, 2013, as stated on the record, the trial of this matter, scheduled for May 20,2013, is adjourned. The next status conference in this matter is scheduled for May 20, 2013, at 2:00 p.m. Upon application of the Government and consented to by defendants, and as set forth on the record, time pursuant to 18 U.S.C. 3161 (h)(7)(A) of the Speedy Trial Act, is hereby excluded from May 14, 2013, to May 20,2013. SO ORDERED. (Signed by Judge Katherine B. Forrest on 5/15/2013)(dnd) (Entered: 05/15/2013)
05/20/2013		Minute Entry for proceedings held before Judge Katherine B. Forrest:Conference as to Trevor Cole, Dominique Jean Philippe held on 5/20/2013. Defendant Cole present with attorney David Touger. Defendnat Phillipe present with attorney Benjamin Heinrich. AUSA's Parvin Moyne and Timothy Sini present. Court Reporter present. Schedule set. Order to follow. Defendants' remand continued. (jp) (Entered: 05/21/2013)
05/20/2013	42	CJA 20 as to Trevor Cole: Appointment of Attorney David Touger for Trevor Cole. (Signed by Judge Katherine B. Forrest on 5/20/13). The CJA office mailed the original to the attorney and sent a copy to the file.(sao) (Entered: 06/04/2013)
05/21/2013	<u>40</u>	ORDER as to Trevor Cole, Dominique Jean Philippe ( Replies due by 6/24/2013., Responses due by 6/17/2013, Jury Trial set for 9/9/2013 at 09:00 AM before Judge Katherine B. Forrest., Pretrial Conference set for 9/3/2013 at 01:30 PM before Judge Katherine B. Forrest.) Time excluded from 5/20/2013 until 9/9/2013. Amelio Marino is relieved as counsel of record for defendant Trevor Cole, and Pursuant to the Criminal Justice Act, David Touger is hereby appointed to represent Mr. Cole. The jury trial of this matter is adjourned to 9/9/2013, at 9:00 a.m. Responses to the Government's motions in limine are to be filed not later than 6/17/2013. Replies, if any are due not later than 6/24/2013. Responses to the Government's proposed voir dire and proposed jury instructions are due not later than 8/16/2013. Any motions in limine by defendants' are due not later than 7/29/2013, and must be fully briefed not later than 8/16/2013. The final pretrial conference is scheduled for 9/312013, at 1:30 p.m. 3500 material is due not later than 9/6/2013. Upon application of the Government and consented to by defendants, and as set forth on the record, time pursuant to 18 U.S.C. 3161 (h)(7)(A) of the Speedy Trial Act, is hereby excluded from May 20, 2013, to September 9, 2013. The Court finds the ends of justice are served by such an exclusion and that these ends outweigh the interests of the public and defendant in a speedy trial. (Signed by Judge Katherine B. Forrest on 5/21/2013)(jw) (Entered: 05/21/2013)
05/21/2013	41	CJA 23 Financial Affidavit by (12-Cr-802-01) Trevor Cole. APPROVED: (Signed by Judge Katherine B. Forrest on 5/20/2013); Attorney David Touger. (bw) (Entered: 05/22/2013)
05/21/2013		Attorney update in case as to (12-Cr-802-01) Trevor Cole. Attorney David Touger for Trevor Cole added. (bw) (Entered: 05/22/2013)
08/06/2013	<u>43</u>	ENDORSED LETTER as to Trevor Cole (1), Dominique Jean Philippe (2) addressed to Judge Katherine B. Forrest from Attorney David Touger, Counsel for Defendant Trevor Cole, dated July 25, 2013 re: Both defendants are presently incarcerated in the Metropolitan Detention Center (MDC) in Brooklyn. At present the Bureau of Prisons (BOP) has a separation order between the two defendants. Co-Counsel Benjamin Heinrich, AUSA Parvin Moyne and myself know of no reason why there should be a separation order in place regarding these two defendants.... Thus, I most respectfully request that the Court issue an Order requesting that the BOP remove the separation order now present between Mr. Cole and Mr. Philippe. ENDORSEMENT: SO ORDERED. (Signed by Judge Katherine B. Forrest on 8/6/2013)(bw) (Entered: 08/06/2013)
08/14/2013		Oral Order to Seal Case as to Sealed Defendant 1. (Signed by Magistrate Judge Ronald L. Ellis on 8/14/2013)(gq) [1:13-mj-02005-UA] (Entered: 08/20/2013)
08/14/2013	1	SEALED COMPLAINT as to Sealed Defendant 1 (1) in violation of 18 U.S.C. 924(c),1201 &1951. (Signed by Magistrate Judge Ronald L. Ellis) (gq) [1:13-mj-02005-UA] (Entered: 08/20/2013)

08/19/2013		Oral Order to Unseal Case as to Sealed Defendant 1. (Signed by Magistrate Judge Gabriel W. Gorenstein on 8/19/2013)(gq) [1:13-mj-02005-UA] (Entered: 08/20/2013)
08/19/2013		Arrest of David Delva. (gq) [1:13-mj-02005-UA] (Entered: 08/20/2013)
08/19/2013	3	CJA 23 Financial Affidavit by David Delva. Approved. Appointed CJA atty Ira London. (Signed by Judge Magistrate Judge Gabriel W. Gorenstein) (gq) [1:13-mj-02005-UA] (Entered: 08/20/2013)
08/19/2013		Attorney update in case as to David Delva. Attorney Ira D London for David Delva added. (gq) [1:13-mj-02005-UA] (Entered: 08/20/2013)
08/19/2013		Minute Entry for proceedings held before Magistrate Judge Gabriel W. Gorenstein:Initial Appearance as to David Delva held on 8/19/2013. Deft appears with CJA atty Ira London. AUSA Timothy D. Sini present for the gov't. Detention on consent without prejudice. ( Preliminary Hearing set for 9/18/2013 at 10:00 AM before Judge Unassigned.) (gq) [1:13-mj-02005-UA] (Entered: 08/20/2013)
08/19/2013	4	CJA 20 as to David Delva: Appointment of Attorney Ira London for David Delva. (Signed by Magistrate Judge Gabriel W. Gorenstein on 9/4/13) The CJA clerk has mailed the original and sent a copy to the file.(kwi) [1:13-mj-02005-UA] (Entered: 09/06/2013)
09/03/2013	<u>44</u>	ENDORSED LETTER as to Trevor Cole, Dominique Jean Philippe addressed to Judge Katherine B. Forrest from David Touger dated 9/3/2013 re: Co-Counsel Benjamin Heinrich, and myself most respectfully request that the Court issue an Order requesting that the BOP change the housing of either Mr. Cole or Mr. Phillippe or both, so that they can be housed in the same unit at this time and do so as soon as possible as the trial in this matter is scheduled to begin on September 9th. ENDORSEMENT: B.O.P. should notify the Court if this Order interferes with reasonable perological interest. SO ORDERED. (Signed by Judge Katherine B. Forrest on 9/3/2013)(dnd) (Entered: 09/03/2013)
09/03/2013		Minute Entry for proceedings held before Judge Katherine B. Forrest: Final Pretrial Conference as to Trevor Cole, Dominique Jean Philippe held on 9/3/2013 (jp) (Entered: 09/04/2013)
09/04/2013	<u>45</u>	ENDORSED LETTER as to Trevor Cole (1), Dominique Jean Philippe (2) addressed to Judge Katherine B. Forrest from Attorney Benjamin Heinrich, Counsel for Defendant Dominique Jean Philippe, dated September 3, 2013 re: By means of this letter counsel and co-counsel, David Touger, respectfully move this Court for an order permitting defendants, Dominique Jean Philippe (register #67575-054) and Trevor Cole (register #67573-054), to receive and utilize the following civilian clothing items in their upcoming court appearances, instead of inmate uniforms: Men's dress suit/blazer, Men's dress shirt/white button down shirt (no tie), Men's dress slacks (no belt), dress socks (optional), a pair of dress shoes (no laces). ENDORSEMENT: So Ordered. (Signed by Judge Katherine B. Forrest on 9/4/2013)(bw) (Entered: 09/04/2013)
09/05/2013	<u>46</u>	ENDORSED LETTER as to Trevor Cole, Dominique Jean Philippe addressed to Judge Katherine B. Forrest from Timothy D. Sini and Parvin Moyne dated 9/5/2013 re: The Government respectfully submits this letter to advise the Court of a situation relating to a potential witness in the upcoming trial in the above-referenced matter. The Government is taking all appropriate steps in connection with this incident, and believed that the Court should be made aware of the situation....ENDORSEMENT: Post to docket. (Signed by Judge Katherine B. Forrest on 9/5/2013)(jw) (Entered: 09/05/2013)
09/06/2013	<u>47</u>	LETTER by USA as to Trevor Cole, Dominique Jean Philippe addressed to Judge Katherine B. Forrest from Adam M. Johnson Supervisory Attorney MCC New York dated 9/6/2013 re: The government writes regarding the Court's September 3,2013 Order in the above-referenced case. Specifically, the Court requested the Metropolitan Detention Center, Brooklyn, New York ("MDC Brooklyn") consider housing co-defendants Trevor Cole, Reg. No. 67573-054, and Dominique Jean Phillippe, Reg. Ko. 67575-054, in the same housing unit. (dnd) (Entered: 09/06/2013)

09/09/2013	48	SEALED DOCUMENT placed in vault. (mps) (Entered: 09/09/2013)
09/09/2013		Minute Entry for proceedings held before Judge Katherine B. Forrest:Change of Plea Hearing as to Trevor Cole held on 9/9/2013., Plea entered by Trevor Cole (1) Guilty as to Count 1,2,3,4,5. Defendant present with attorney David Touger. AUSAs Parvin Moyne and Timothy Sini present. Court Reporter present. Defendant withdraws his previously entered plea of not guilty and enters a plea of guilty to the Indictment. Court accepts plea. Sentencing set for 1/17/2014, at 12:00 p.m. Sentencing submissions from defendant are due 1/3/2014. Government submissions are due 1/10/2014. Defendant remand continued. PSR Ordered. (jp) (Entered: 09/10/2013)
09/09/2013		Set/Reset Hearings as to Trevor Cole: Sentencing set for 1/17/2014 at 12:00 PM before Judge Katherine B. Forrest. (jp) (Entered: 09/10/2013)
09/09/2013		Order of Referral to Probation for Presentence Investigation and Report as to Trevor Cole. (jp) (Entered: 09/10/2013)
09/09/2013		Minute Entry for proceedings held before Judge Katherine B. Forrest:Change of Plea Hearing as to Dominique Jean Philippe held on 9/9/2013., Plea entered by Dominique Jean Philippe (2) Guilty as to Count 1,2,3,4,5. Defendant present with attorney Benjamin Heinrich. AUSAs Parvin Moyne and Timothy Sini present.Court Reporter present. Defendant withdraws his previously entered plea of not guilty and enters a plea of guilty to the Indictment. Court accepts plea. Sentencing set for 1/17/2014, at 9:00 a.m. Sentencing submissions from defendant are due 1/3/2014. Government submissions are due 1/10/2014. Defendant remand continued. PSR Ordered. (jp) (Entered: 09/10/2013)
09/09/2013		Set/Reset Hearings as to Dominique Jean Philippe: Sentencing set for 1/17/2014 at 09:00 AM before Judge Katherine B. Forrest. (jp) (Entered: 09/10/2013)
09/09/2013		Order of Referral to Probation for Presentence Investigation and Report as to Dominique Jean Philippe. (jp) (Entered: 09/10/2013)
09/10/2013	<u>49</u>	ORDER as to Trevor Cole, Dominique Jean Philippe ( Fatico Hearing set for 1/15/2014 at 09:30 AM in Courtroom 15A, 500 Pearl Street, New York, NY 10007 before Judge Katherine B. Forrest.) A Fatico Hearing is scheduled for January 15, 2014, at 9:30 a.m. in Courtroom 15A, 500 Pearl Street, New York, NY 10007. (Signed by Judge Katherine B. Forrest on 9/10/2013)(jw) (Entered: 09/10/2013)
09/18/2013	5	ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to David Delva. Time excluded from 9/18/2013 until 10/18/2013. Follows oral order of 9/18/2013. (Signed by Magistrate Judge Henry B. Pitman on 9/18/2013)(ajc) [1:13-mj-02005-UA] (Entered: 09/20/2013)
09/18/2013	6	AFFIRMATION of AUSA Timothy D. Sini in Support by USA as to David Delva, the Government requests a 30 day continuance until 10/18/2013. (ajc) [1:13-mj-02005-UA] (Entered: 09/20/2013)
10/08/2013		Case Designated ECF as to David Delva. (jbo) (Entered: 10/09/2013)
10/08/2013	<u>50</u>	INDICTMENT FILED as to David Delva (4) count(s) 1-2, 3-4, 5, 6, 7. (jbo) (Entered: 10/09/2013)
10/16/2013	<u>51</u>	ORDER: As to David Delva. The conference in this action, currently scheduled for October 17, 2013, is adjourned to Monday, October 21, 2013 at 12:00 p.m. SO ORDERED. (Signed by Judge Katherine B. Forrest on 10/16/2013)(dnd) (Entered: 10/16/2013)
10/18/2013	52	MOTION to Appoint New Counsel. Document filed by David Delva. (dnd) (Entered: 10/18/2013)
10/21/2013		Minute Entry for proceedings held before Judge Katherine B. Forrest:Arraignment as to David Delva (4) Count 1-2,3-4,5,6,7David Delva (4) Count 1-2,3-4,5,6,7 held on 10/21/2013., Plea entered by David Delva (4) Count 1-2,3-4,5,6,7David Delva (4) Count 1-2,3-4,5,6,7 Not Guilty. Defendant present with atty Ira London. Standby CJA counsel Steven Peikes present. AUSA Kan Nawaday present. Defendant withdraws his previous motion to appoint counsel (Doc# 52). Defendant arraigned on the Superseding Indictment and enters a plea of not guilty to all

		counts. Order to follow. Detention continued. (jp) (Entered: 10/21/2013)
10/21/2013	<u>53</u>	ORDER as to David Delva ( Discovery due by 11/4/2013., Jury Trial set for 1/21/2014 at 09:00 AM before Judge Katherine B. Forrest., Status Conference set for 11/20/2013 at 01:00 PM before Judge Katherine B. Forrest.), ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT as to David Delva. Time excluded from 10/21/2013 until 11/4/2013. Upon application of the Government and consented to by defendants, and as set forth on the record, time pursuant to 18 U.S.C. 3161 (h)(7)(A) of the Speedy Trial Act, is hereby excluded from 10/21/2013, to 11/4/2013 (or until the date that discovery is produced). The Court finds the ends of justice are served by such an exclusion and that these ends outweigh the interests of the public and defendants in a speedy trial. SO ORDERED. (Signed by Judge Katherine B. Forrest on 10/21/2013)(jw) (Entered: 10/22/2013)
10/24/2013	<u>54</u>	TRANSCRIPT of Proceedings as to Trevor Cole, Dominique Jean Philippe re: Plea held on 9/9/13 before Judge Katherine B. Forrest. Court Reporter/Transcriber: Pamela Utter, (212) 805-0300, Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/18/2013. Redacted Transcript Deadline set for 12/2/2013. Release of Transcript Restriction set for 1/25/2014. (Rodriguez, Somari) (Entered: 10/24/2013)
10/24/2013	<u>55</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT as to Trevor Cole, Dominique Jean Philippe. Notice is hereby given that an official transcript of a Plea proceeding held on 9/9/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.... (Rodriguez, Somari) (Entered: 10/24/2013)
11/20/2013		Minute Entry for proceedings held before Judge Katherine B. Forrest:Status Conference as to David Delva held on 11/20/2013. Defendant present with attorney Ira London. AUSAs Parvin Moyne and Timothy Sini present. Court Reporter present. Conference held. Order to follow. Remand continued. (jp) (Entered: 11/20/2013)
11/22/2013	<u>56</u>	SCHEDULING ORDER as to David Delva. Pursuant to a proceeding with the Court on November 20, 2013, it is hereby ORDERED as follows: Motions in limine shall be filed not later than 1/3/2014. Oppositions shall be filed and the motions shall be fully briefed not later than 1/10/2014. All pretrial materials are due not later than 1/10/2014. 3500 material pertaining to law enforcement and lay witnesses shall be produced not later than 1/10/2014. All remaining 3500 material shall be produced not later than 1/17/2014. The final pretrial conference is scheduled for 1/16/2014, at 1:00 p.m. Upon application of the Government and consented to by defendant, and as set forth on the record, time pursuant to 18 U.S.C. 3161 (h)(7)(A) of the Speedy Trial Act, is hereby excluded from 11/20/2013, to 1/21/2014. The Court finds the ends of justice are served by such an exclusion and that these ends outweigh the interests of the public and defendant in a speedy trial. SO ORDERED. (Signed by Judge Katherine B. Forrest on 11/21/2013)(dnd) (Entered: 11/22/2013)
12/05/2013	<u>57</u>	TRANSCRIPT of Proceedings as to David Delva re: Arraignment held on 10/21/13 before Judge Katherine B. Forrest. Court Reporter/Transcriber: Sharon Lengel, (212) 805-0300, Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/30/2013. Redacted Transcript Deadline set for 1/9/2014. Release of Transcript Restriction set for 3/10/2014. (Rodriguez, Somari) (Entered: 12/05/2013)
12/05/2013	<u>58</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT as to David Delva. Notice is hereby given that an official transcript of a Arraignment proceeding held on 10/21/13 has been filed by the court reporter/transcriber in the above-captioned



		matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.... (Rodriguez, Somari) (Entered: 12/05/2013)
12/11/2013		Minute Entry for proceedings held before Judge Katherine B. Forrest: Conference as to David Delva held on 12/11/2013. Defendant present with attorney Ira London. AUSA Timothy Sini present. Court Reporter present. Conference held. Order to follow. Defendant remand continued. (jp) (Entered: 12/11/2013)
12/11/2013	<u>59</u>	ORDER: As to David Delva. Pursuant to a proceeding with the Court on December 11, 2013, it is hereby ORDERED as follows: The trial scheduled for 1/21/2014 is adjourned; the Government and defense counsel shall confer on a near-in alternative trial date. Defendant's motion for suppression is due not later than 12/20/2013. The Government's response is due not later than 1/7/2014. Defendant's reply, if any, is due not later than 1/13/2014. A Suppression Hearing is scheduled for 1/21/2014, at 9:00 a.m. and shall continue to 1/22/2014 if necessary. Not later than 1/17/2014, counsel shall advise the Court as to the scope of the suppression hearing, as well as the names and a projected length of testimony for any witnesses they intend to call. Upon application of the Government and consented to by defendant, and as set forth on the record, time pursuant to 18 U.S.C. 3161 (h)(7)(A) of the Speedy Trial Act, is hereby excluded from 12/11/2013, to 1/21/2014. The Court finds the ends of justice are served by such an exclusion and that these ends outweigh the interests of the public and defendant in a speedy trial. SO ORDERED. (Signed by Judge Katherine B. Forrest on 12/11/2013)(dnd) (Entered: 12/11/2013)
12/17/2013	<u>60</u>	ORDER as to (12-Cr-802-04) David Delva. On 12/11/2013, the defendant appeared before the Court for a Change of Plea Hearing. He was advised of his rights and allocuted to the substance of the offense to which he had expressed an intention to plea. He had been previously advised of his right not to incriminate himself and that he would be relinquishing that right in responding to the Court's question regarding why he thought he was guilty of the particular offense at issue. Following his allocution, which was factually sufficient, the defendant then determined that he would not formally enter a guilty plea but instead wanted to proceed to a Suppression Hearing. After two breaks during the conference during which the defendant conferred with his counsel, he maintained his desire not to enter a guilty plea but instead proceed to a Suppression Hearing. The prosecution indicated that if the defendant did not proceed it would withdraw its plea offer. In light of this, the defendant was advised that should his motion be denied, he could face far worse potential penalties than he would receive if he entered a plea of guilty. Thereafter, on 12/12/2013, the Court received a letter from defense counsel stating that he had worked out a short extension of the plea offer with the Government. He also requested that this matter be placed on the Court's calendar and that CJA co-counsel be appointed to assist the defense in discussions relating to either a pretrial disposition or proceeding with a suppression hearing and ultimately to trial. The matter was placed on the Courts calendar for 12/16/2013. The Court was informed that the defendant refused to leave his cell on 12/16/2013. The Court then rescheduled the matter for 12/17/2013. The Court was informed that, again, the defendant refused to leave his cell. The conference scheduled for 12/17/2013 is adjourned. Pursuant to the Criminal justice Act, Kelley Sharkey is hereby appointed as co-counsel for the defendant to assist Mr. London with the serious issues described above. In particular, the Court requests that Ms. Sharkey review the record relating to the strength of the suppression motion, the record of this matter generally, and provide advice to the defendant regarding the advisability of foregoing the plea offer as well as other matters relating to his case, as appropriate. The Suppression Hearing scheduled for 1/21/2014, at 9:00 a.m. shall remain on calendar. If the Court is needed for a pretrial disposition in advance of that date, the parties should notify the Court accordingly. SO ORDERED: (Signed by Judge Katherine B. Forrest on 12/17/2013)(bw) (Entered: 12/17/2013)
12/19/2013	<u>61</u>	ENDORSED LETTER as to David Delva addressed to Judge Katherine B. Forrest from Ira D. London dated 12/18/2013 re: With the understanding that we cannot file the suppression motion until we personally confer with attorney Kelly Sharkey as to whether Mr. Delva wants to go forward with the motion or plead, I assume

		that our time within which to file the motion is extended until after we have had the opportunity to consult with attorney Sharkey..ENDORSEMENT: Yes — time to file suppression motion extended until after Ms. Sharkey has had an opportunity to confer with Mr. Delva. A report on status should be provided to the Court no later than 1/6/14 (Signed by Judge Katherine B. Forrest on 12/18/2013)(jw) (Entered: 12/19/2013)
12/19/2013	<u>62</u>	TRANSCRIPT of Proceedings as to David Delva re: Conference held on 11/20/13 before Judge Katherine B. Forrest. Court Reporter/Transcriber: Rebecca Forman, (212) 805-0300, Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/13/2014. Redacted Transcript Deadline set for 1/24/2014. Release of Transcript Restriction set for 3/24/2014. (Rodriguez, Somari) (Entered: 12/19/2013)
12/19/2013	<u>63</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT as to David Delva. Notice is hereby given that an official transcript of a Conference proceeding held on 11/20/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.... (Rodriguez, Somari) (Entered: 12/19/2013)
12/20/2013	<u>64</u>	LETTER by Dominique Jean Philippe addressed to Judge Katherine B. Forrest from Benjamin Heinrich, Esq. dated December 20, 2013 re: LTR. Seeking extension of time (Heinrich, Benjamin) (Entered: 12/20/2013)
12/27/2013	<u>65</u>	ENDORSED LETTER as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo, David Delva addressed to Judge Katherine B. Forrest from David Touger dated 12/23/13 re: Accordingly, I am requesting that I be permitted to file the defendant's response and objections by Friday January 17, 2014..ENDORSEMENT: Post to docket. SO ORDERED (Defendant Replies due by 1/17/2014.) (Signed by Judge Katherine B. Forrest on 12/27/13)(jw) (Entered: 12/27/2013)
12/27/2013	<u>66</u>	ORDER as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo, David Delva. On December 20, 2013, the Court received a letter from counsel for defendant Dominique Jean Philippe requesting an extension of time until January 17, 2014 to file a response to the presentence report prepared by the Probation Department. On December 27, 2013, the Court received a letter from counsel for defendant Trevor Cole making a similar such request. The Court hereby GRANTS the requested extensions, but only until January 14, 2014. As previously indicated, both defendants shall be sentenced on January 17, 2014. (Signed by Judge Katherine B. Forrest on 12/27/13)(jw) (Entered: 12/27/2013)
01/07/2014	<u>67</u>	ENDORSED LETTER as to (12-Cr-802-) Trevor Cole (1), Dominique Jean Philippe (2) addressed to Judge Katherine B. Forrest from Attorney David Touger, Counsel for Defendant Trevor Cole, dated January 6, 2014 re: I am writing this letter seeking an extension of time to file a Pre-Sentence Memo and adjourn the Sentence date. As of now both mine and Mr. Heinrich's Pre-Sentence Memo's are due on January 14th with the Fatico hearing scheduled for the 15th and Sentencing on the 17th. Mr. Heinrich and myself are both a little confused as to how to write a Pre-Sentence Memo prior to the Fatico Hearing and then proceed to sentencing within 48 hours of completing the Fatico Hearing. ENDORSEMENT: Sentencing adjourned to 1/30/2014 at 10 a.m. Submissions from defense would be due 1/24/14. (Signed by Judge Katherine B. Forrest on 1/7/2014)(bw) (Entered: 01/07/2014)
01/07/2014	<u>68</u>	ENDORSED LETTER as to (12-Cr-802-04) David Delva addressed to Judge Katherine B. Forrest from AUSAs Timothy D. Sini / Parvin Moyne dated January 6, 2014 re: The Government submits this letter in response to the Court's December 18, 2013 order requiring an update regarding the defendant's decision with respect to the Government's plea offer in the above-referenced prosecution. The parties respectfully request to the end of the week to complete their negotiations in order to afford defense counsel an opportunity to ascertain the defendant's decision.

		ENDORSEMENT: Application granted. (Signed by Judge Katherine B. Forrest on 1/7/2014)(bw) (Entered: 01/07/2014)
01/09/2014	<u>69</u>	<b>FILING ERROR – WRONG PDF FILE ASSOCIATED WITH DOCKET ENTRY</b> – FIRST MOTION to Suppress <i>ON BEHALF OF DAVID DELVA</i> . Document filed by David Delva. (London, Ira) Modified on 1/10/2014 (ka). (Entered: 01/09/2014)
01/09/2014	<u>70</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY</b> – AFFIDAVIT of David Delva in Support as to David Delva re <u>69</u> FIRST MOTION to Suppress <i>ON BEHALF OF DAVID DELVA</i> .. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(London, Ira) Modified on 1/10/2014 (ka). (Entered: 01/09/2014)
01/09/2014	<u>71</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY</b> – AFFIRMATION of Ira D. London in Support as to David Delva re <u>69</u> FIRST MOTION to Suppress <i>ON BEHALF OF DAVID DELVA</i> .. (London, Ira) Modified on 1/10/2014 (ka). (Entered: 01/09/2014)
01/10/2014		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – PDF ERROR. Note to Attorney Ira D London as to David Delva to RE-FILE Document <u>69</u> FIRST MOTION to Suppress <i>ON BEHALF OF DAVID DELVA</i>.***NOTE: First file motion, then re-file and link supporting documents to newly filed motion. (ka)</b> (Entered: 01/10/2014)
01/10/2014		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Ira D London as to David Delva: to RE-FILE Document <u>71</u> Affirmation in Support of Motion, <u>70</u> Affidavit in Support of Motion. ERROR(S): Link to incorrect filing of document#69. (ka)</b> (Entered: 01/10/2014)
01/10/2014	<u>72</u>	<b>FILING ERROR – WRONG PDF FILE ASSOCIATED WITH DOCKET ENTRY</b> – FIRST MOTION to Suppress. Document filed by David Delva. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(London, Ira) Modified on 1/10/2014 (ka). (Entered: 01/10/2014)
01/10/2014	<u>73</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY</b> – AFFIDAVIT of David Delva in Support as to David Delva re <u>72</u> FIRST MOTION to Suppress.. (London, Ira) Modified on 1/10/2014 (ka). (Entered: 01/10/2014)
01/10/2014	<u>74</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY</b> – AFFIRMATION of Ira D. London in Support as to David Delva re <u>72</u> FIRST MOTION to Suppress.. (London, Ira) Modified on 1/10/2014 (ka). (Entered: 01/10/2014)
01/10/2014		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – PDF ERROR. Note to Attorney Ira D London as to David Delva to RE-FILE Document <u>72</u> FIRST MOTION to Suppress.***NOTE: First file Motion to Suppress, then re-file and link supporting Memorandum, Affidavit and Affirmation to newly filed motion. (ka)</b> (Entered: 01/10/2014)
01/10/2014		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Ira D London as to David Delva: to RE-FILE Document <u>74</u> Affirmation in Support of Motion, <u>73</u> Affidavit in Support of Motion. ERROR(S): Link to incorrect filing of document#72. (ka)</b> (Entered: 01/10/2014)
01/10/2014	<u>75</u>	FIRST MOTION to Suppress. Document filed by David Delva. (London, Ira) (Entered: 01/10/2014)
01/10/2014	<u>76</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY</b> – FIRST MOTION to Suppress. Document filed by David Delva. (Attachments: # <u>1</u> Supplement Memorandum in Support of David Delva's Motion to Suppress, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Affidavit Affidavit of David Delva, # <u>5</u> Supplement Affirmation of Ira D. London)(London, Ira) Modified on 1/13/2014 (ka). (Entered: 01/10/2014)
01/10/2014	<u>77</u>	ENDORSED LETTER as to Trevor Cole, Dominique Jean Philippe addressed to Judge Katherine B. Forrest from Parvin Moyne and Timothy Sini dated 1/9/2014 re: The Government respectfully requests that its submission be adjourned to January 28, 2014, so that the Government may also address any issues that arise

		during the Fatico hearing or from the defendants sentencing submissions..ENDORSEMENT: Application granted.. (Signed by Judge Katherine B. Forrest on 1/10/14)(jw) (Entered: 01/10/2014)
01/13/2014		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Ira D London as to David Delva: to RE-FILE Document <u>76</u> FIRST MOTION to Suppress. ERROR(S): Filing Error of Attachments. Memorandum, Supporting Affidavit and Affirmation MUST be filed individually. Event codes located under Replies, Opposition and Supporting Documents.***NOTE: Do not re-file Motion to Suppress. Link and re-file supporting documents to Motion to Suppress doc.#75. (ka) (Entered: 01/13/2014)</b>
01/13/2014	<u>78</u>	MEMORANDUM in Support by David Delva re <u>75</u> FIRST MOTION to Suppress.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(London, Ira) (Entered: 01/13/2014)
01/13/2014	<u>79</u>	AFFIRMATION of Ira D. London in Support as to David Delva re <u>75</u> FIRST MOTION to Suppress.. (London, Ira) (Entered: 01/13/2014)
01/13/2014	<u>80</u>	AFFIDAVIT of David Delva in Support as to David Delva re <u>75</u> FIRST MOTION to Suppress.. (London, Ira) (Entered: 01/13/2014)
01/15/2014		Minute Entry for proceedings held before Judge Katherine B. Forrest:Fatico Hearing as to Trevor Cole, Dominique Jean Philippe held on 1/15/2014. Defendant Cole present with attorney David Touger. Defendant Jean Philippe present with attorney Benjamin Heinrich. AUSAs Parvin Moyne and Tim Sini present. Court Reporter present. Fatico Hearing held. Detention continued for both defendants. (jp) (Entered: 01/15/2014)
01/17/2014	<u>81</u>	Sentencing Letter by USA as to Trevor Cole, Dominique Jean Philippe from Parvin Moyne dated January 17, 2014 re: Fatico. (Attachments: # <u>1</u> Exhibit)(Moyne, Parvin) (Entered: 01/17/2014)
01/17/2014	<u>82</u>	AFFIDAVIT of Special Agent John Reynolds by USA as to Trevor Cole, Dominique Jean Philippe re: <u>81</u> Letter – Sentencing filed by USA. (Moyne, Parvin) (Entered: 01/17/2014)
01/17/2014	<u>83</u>	FIRST MEMORANDUM OF LAW in Support by Dominique Jean Philippe <i>Fatico Argument</i> . (Heinrich, Benjamin) (Entered: 01/17/2014)
01/17/2014	<u>84</u>	SENTENCING SUBMISSION by Trevor Cole. (Touger, David) (Entered: 01/17/2014)
01/17/2014	<u>85</u>	MEMORANDUM in Opposition by USA as to David Delva re <u>75</u> FIRST MOTION to Suppress.. <i>Physical Evidence</i> (Sini, Timothy) (Entered: 01/17/2014)
01/21/2014		Minute Entry for proceedings held before Judge Katherine B. Forrest:Suppression Hearing as to David Delva held on 1/21/2014. Defendant present with attorney Ira London. AUSAs Parvin Moyne and Tim Sini present. Court Reporter present. Suppression Hearing held. Order to follow. Detention continued. (jp) (Entered: 01/22/2014)
01/21/2014	<u>86</u>	ORDER as to Trevor Cole (1), Dominique Jean Philippe (2). Pursuant to a Fatico Hearing, held on January 15, 2014, the Court finds that both a victim was sexually exploited and a ransom demand was made. The Court intends to issue a written decision shortly. The parties should take this into consideration with respect to their sentencing submissions. SO ORDERED: (Signed by Judge Katherine B. Forrest on 1/21/2014)(bw) (Entered: 01/22/2014)
01/22/2014	<u>87</u>	ORDER as to (12–Cr–802–04) David Delva. Following a hearing with the Court on January 21, 2014, it is hereby ORDERED as follows: –Not later than 1/28/2014, defense counsel should submit any memorandum in support of the oral motion to suppress regarding seized cell phones. The Government shall respond not later than 2/4/2014. –The parties shall confer and submit to the Court not later than 1/31/2014, proposed dates for the trial of this action. SO ORDERED: (Signed by Judge Katherine B. Forrest on 1/22/2014)(bw) (Entered: 01/22/2014)



01/24/2014	<u>88</u>	Sentencing Letter by Dominique Jean Philippe addressed to Hon. Katherine B. Forrest from Benjamin Heinrich, Esq. dated January 24, 2014 re: Req. time to file Memo in Support of Sentencing. (Heinrich, Benjamin) (Entered: 01/24/2014)
01/27/2014	<u>89</u>	SENTENCING SUBMISSION by Trevor Cole. (Touger, David) (Entered: 01/27/2014)
01/27/2014	<u>90</u>	<b>FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – FIRST MEMORANDUM OF LAW in Support by Dominique Jean Philippe in support of sentencing.</b> (Attachments: # <u>1</u> Exhibit letters in support of Memorandum)(Heinrich, Benjamin) Modified on 1/28/2014 (ka). (Entered: 01/27/2014)
01/27/2014	<u>91</u>	MEMORANDUM DECISION & ORDER as to Trevor Cole, Dominique Jean Philippe. For the reasons set forth above, the Court finds by a preponderance of the evidence that Victim 1 was sexually assaulted and the kidnapping to which the defendants pled guilty involved a ransom demand. SO ORDERED. (Signed by Judge Katherine B. Forrest on 1/27/14)(jw) (Entered: 01/27/2014)
01/27/2014	<u>92</u>	MEMORANDUM DECISION & ORDER denying <u>75</u> Motion to Suppress as to David Delva (4). For the reasons set forth above, the instant motion to suppress is DENIED. The Clerk of the Court is directed to terminate the motion at ECF No. 75. (Signed by Judge Katherine B. Forrest on 1/27/14) (jw) (Entered: 01/28/2014)
01/28/2014		<b>NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DOCUMENT TYPE ERROR. Note to Attorney Benjamin Heinrich as to Dominique Jean Philippe: to RE-FILE Document <u>90</u> Memorandum of Law in Support. Use the document type Sentencing Submission found under the document list Other Documents. (ka)</b> (Entered: 01/28/2014)
01/28/2014	<u>93</u>	SENTENCING SUBMISSION by USA as to Trevor Cole, Dominique Jean Philippe. (Moyné, Parvin) (Entered: 01/28/2014)
01/28/2014	<u>94</u>	<b>FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – SUPPLEMENTAL MOTION to Suppress Evidence.</b> Document filed by David Delva. (London, Ira) Modified on 1/28/2014 (ka). (Entered: 01/28/2014)
01/28/2014		<b>NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DOCUMENT TYPE ERROR. Note to Attorney Ira D London as to David Delva: to RE-FILE Document <u>94</u> SUPPLEMENTAL MOTION to Suppress Evidence. Use the document type Memorandum in Support of Motion found under the document list Replies, Opposition and Supporting Documents. (ka)</b> (Entered: 01/28/2014)
01/28/2014	<u>95</u>	MEMORANDUM in Support by David Delva re <u>75</u> FIRST MOTION to Suppress.. <i>Supplemental Memorandum of Law as to Defendant's Oral Application to Suppress Additional Evidence</i> (London, Ira) (Entered: 01/28/2014)
01/29/2014	<u>96</u>	SENTENCING SUBMISSION by Dominique Jean Philippe. (Attachments: # <u>1</u> Exhibit)(Heinrich, Benjamin) (Entered: 01/29/2014)
01/29/2014	<u>97</u>	TRANSCRIPT of Proceedings as to David Delva re: Hearing held on 1/21/14 before Judge Katherine B. Forrest. Court Reporter/Transcriber: Karen Gorlaski, (212) 805-0300, Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/24/2014. Redacted Transcript Deadline set for 3/6/2014. Release of Transcript Restriction set for 5/2/2014. (Rodriguez, Somari) (Entered: 01/29/2014)
01/29/2014	<u>98</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT as to David Delva. Notice is hereby given that an official transcript of a Hearing proceeding held on 1/21/14 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.... (Rodriguez, Somari) (Entered: 01/29/2014)

01/29/2014	<u>99</u>	ORDER as to David Delva ( Pretrial Conference set for 2/3/2014 at 01:30 PM before Judge Katherine B. Forrest.) The court has received an undated letter from the defendant (see attached). A conference is hereby scheduled for Monday, February 3, 2014, at 1:30 p.m. At the conference, there is a possibility that the defendant may be put on the stand. If that happens, the Government should be prepared to cross examine Mr. Delva. The Court also Orders that prior to the conference, Mr. London, meet with the defendant and discuss the pros and cons of the defendant taking the stand in light of an open criminal case against him (Signed by Judge Katherine B. Forrest on 1/29/2014)(jw) (Entered: 01/30/2014)
01/30/2014		Minute Entry for proceedings held before Judge Katherine B. Forrest:Sentencing held on 1/30/2014 for Trevor Cole (1) Count 1,2,3,4,5. (jp) (Entered: 01/30/2014)
01/30/2014		Minute Entry for proceedings held before Judge Katherine B. Forrest:Sentencing held on 1/30/2014 for Dominique Jean Philippe (2) Count 1,2,3,4,5. (jp) (Entered: 01/30/2014)
02/03/2014	<u>100</u>	JUDGMENT In A Criminal Case (12-cr-802-1). Date of Imposition of Judgment: 1/30/2014. Defendant Trevor Cole (1) pleaded guilty to Count(s) 1, 2, 3, 4, 5. IMPRISONMENT: Life, to be followed by a consecutive term of seven (7) years. The court makes the following recommendations to the Bureau of Prisons: It is recommended that the defendant be housed in a facility as close to New York City, as possible. SUPERVISED RELEASE: Five (5) years. -The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. -The defendant shall cooperate in the collection of DNA as directed by the probation officer. Additional Supervised Release Terms (see page 5 of judgment). ASSESSMENT: \$500.00, due immediately. FINE: \$10,000.00. Additional Terms For Criminal Monetary Penalties (See page 7 of judgment). Special instructions regarding the payment of criminal monetary penalties: If the defendant is employed in a BOP work program, it is respectfully requested that 75 percent of the defendant's wages be applied to the fine imposed. (Signed by Judge Katherine B. Forrest on 1/31/2014)(bw) (Entered: 02/03/2014)
02/03/2014	<u>101</u>	JUDGMENT In A Criminal Case (12-Cr-802-2). Date of Imposition of Judgment: 1/30/2014. Defendant Dominique Jean Philippe (2) pleaded guilty to Count(s) 1, 2, 3, 4, 5. IMPRISONMENT: Life, to be followed by a consecutive term of seven (7) years. The court makes the following recommendations to the Bureau of Prisons: It is recommended that the defendant be housed in a facility as close to New York City, as possible. SUPERVISED RELEASE: Five (5) years. -The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. -The defendant shall cooperate in the collection of DNA as directed by the probation officer. Additional Supervised Release Terms (see page 5 of judgment). ASSESSMENT: \$500.00, due immediately. FINE: \$10,000.00. Additional Terms For Criminal Monetary Penalties (see page 7 of judgment). Special instructions regarding the payment of criminal monetary penalties: If the defendant is employed in a BOP work program, it is respectfully requested that 75 percent of the defendant's wages be applied to the fine imposed. (Signed by Judge Katherine B. Forrest on 1/31/2014)(bw) (Entered: 02/03/2014)
02/03/2014	<u>102</u>	MEMORANDUM in Opposition by USA as to Trevor Cole, Dominique Jean Philippe, Jeremy Acevedo, David Delva re 94 SUPPLEMENTAL MOTION to Suppress Evidence.. (Sini, Timothy) (Entered: 02/03/2014)
02/03/2014		Minute Entry for proceedings held before Judge Katherine B. Forrest:Status Conference as to David Delva held on 2/3/2014. Defendant present with attorney Ira London. AUSA Tim Sini present. Court Reporter present. Conference held. Order to follow. (jp) (Entered: 02/03/2014)
02/03/2014	<u>105</u>	ORDER as to David Delva. Pursuant to the Criminal Justice Act, Jeffrey G. Pittell is hereby appointed as counsel of record for Mr. Delva. Ira D. London will be relieved as counsel once Mr. Pittell notifies the Court that he no longer requires Mr. London in the transition process. SO ORDERED (Signed by Judge Katherine B. Forrest on 2/3/14)(jw) (Entered: 02/04/2014)
02/03/2014		Attorney update in case as to David Delva. Attorney Jeffrey G. Pittell for David Delva added. Attorney Ira D London terminated (jw) (Entered: 02/04/2014)

02/04/2014	103	SEALED DOCUMENT placed in vault. (mps) (Entered: 02/04/2014)
02/04/2014	104	SEALED DOCUMENT placed in vault. (mps) (Entered: 02/04/2014)
02/07/2014	<u>0</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY</b> – NOTICE OF APPEAL by Trevor Cole from <u>100</u> Judgment.(tp) Modified on 2/7/2014 (tp). Modified on 2/7/2014 (tp). (Entered: 02/07/2014)
02/07/2014	<u>0</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY</b> – TRANSCRIPT REQUEST by Trevor Cole for Pre–trial proceedings held 9/9/2013 and Sentencing proceedings held on 1/30/2014 before Judge Katherine B. Forrest re: <u>106</u> Notice of Appeal – Final Judgment. Transcript due by 2/21/2014. (tp) Modified on 2/7/2014 (tp). Modified on 2/7/2014 (tp). (Entered: 02/07/2014)
02/07/2014	<u>106</u>	NOTICE OF APPEAL by Trevor Cole from <u>86</u> Order, <u>100</u> Judgment. (tp) (Entered: 02/07/2014)
02/07/2014		Appeal Remark as to Trevor Cole re: <u>106</u> Notice of Appeal – Final Judgment. ATTORNEY CJA.(tp) (Entered: 02/07/2014)
02/07/2014	<u>107</u>	TRANSCRIPT REQUEST by Trevor Cole for Pre–trial proceedings held 9/9/2013 and Sentencing proceedings held on 1/30/2014 before Judge Katherine B. Forrest re: <u>106</u> Notice of Appeal – Final Judgment. Transcript due by 2/21/2014. (tp) (Entered: 02/07/2014)
02/07/2014		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Trevor Cole to US Court of Appeals re: <u>106</u> Notice of Appeal – Final Judgment. (tp) (Entered: 02/07/2014)
02/07/2014		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files ( <i>ONLY</i> ) as to Trevor Cole re: <u>107</u> Appeal Transcript Request, <u>106</u> Notice of Appeal – Final Judgment were transmitted to the U.S. Court of Appeals. (tp) (Entered: 02/07/2014)